

A/ orders for uncirculated collectibles, said method carried out by the programmed server to effect the following steps:

ord. a) generating and transmitting from the server an initial offering for the sale of the uncirculated collectibles to the prospective purchasers;

b) receiving and accepting a plurality of received orders from corresponding ones of the ordering purchasers whereby corresponding purchasers purchase the uncirculated collectibles; and

c) generating and transmitting from the server to each of the purchasers who have purchased uncirculated collectibles messages prompting these purchasers to either:

1) store their purchased uncirculated collectibles in a protected environment, or

2) offer for sale on a secondary market to the prospective purchasers the uncirculated collectibles that had been purchased on the primary market.

REMARKS

This Amendment is made in response to the Office Action dated January 31, 2001. A Request for Extension of Time and the requisite late fee are submitted herewith to permit the filing of this Amendment in the third month. The undersigned will respond to each of the objections and/or rejections by the paragraph number used in the outstanding Office Action.

With reference to paragraphs 1 - 5, Applicants' respectfully traverse and request reconsideration to the rejection of claims 1 - 32 as being indefinite under 35 U.S.C. Section 112, Paragraph 2. The original claims 1 - 32 have been rewritten as claims 33 - 61 to overcome the various alleged points of indefiniteness cited by the Examiner. Attention is drawn to new independent claim 33, which replaces old claim 1; in particular, claim 33 recites that a computer is programmed to carry out the recited steps a) - c), and further that that the initial offering is communicated to the purchasers. Appreciating that new independent claim 49 has replaced claim 20, the objected to term "successful" has been

removed from claim 49 and all of the claims dependent therefrom. Noting that new claim 58 has replaced claim 28, the Examiner deems that claim 28 was indefinite for failure to recite "means for purchasers to place orders". First, Applicants have rewritten a new claim 58 and, in particular, its preamble to recite that the remote system is operable by a purchaser to transmit orders over the Internet to the server. It is clear that applicant has drafted claim 58 to positively recite a server (and not the Internet and/or a remote system which appears only in the claim's preamble). In particular, the language of the preamble of claim 58 is clear as to the origin and the nature of the transmitted order. The Examiner's attention is drawn to Section 2164.08(c) of the M.P.E.P. that states that, "an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended." In this regard, Applicants have clearly indicated by their specification that their invention was directed to the server, and has drafted their claims to indicate that the internet and/or an operator operated remote system were not positively recited thereby. See also Section 2173.04 of the M.P.E.P., which reads "If the scope of the subject matter embraced by the claim is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from the that defined in the claims, then the claims comply with 35 U.S.C. Section 112, second paragraph." In this regard, the scope of Applicants' claims has been clearly drafted, i.e., they have been written to cover a server, but not the combination of the server, remote terminals and the Internet. In view of the above remarks, it is respectfully asserted that each of claims 33 - 61 are clear and definite as required by 35 U.S.C. Section 112, Paragraph 2. If the Examiner disagrees, he is invited to place a telephone call to the undersigned to suggest those amendments that will clarify these claims and will quickly lead to their allowance.

In response to paragraphs 6 - 9, Applicants respectfully traverse and request reconsideration of the rejection of claims 1 - 32 as being variously obvious over the combination of U.S. Patent No. 5,845,265 of Woolston and an article entitled, "An Introduction to the Collectible Sportscard Market", Managerial Finance 1995, vol. 21, No. 6, by Thomas J. O'Brien et al., and as being anticipated by Woolston under 35 U.S.C. 102(b). Attention is drawn to new independent claims 33, 49 and 58, which have been rewritten from

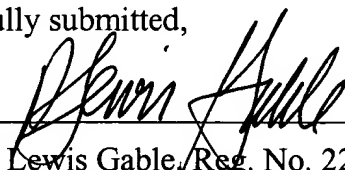
claims 1, 20 and 28 respectively. Each of the rewritten, new claims relate to receiving orders for the collectibles, determining "whether the number of ordered collectibles exceeds the predetermined number of offered collectibles and, if so, allocating the predetermined number of collectibles among the purchasers". The undersigned respectively asserts that none of Woolston, O'Brien et al., or any reference made of record by Applicants or the Examiner teach the above steps or functionality. In particular, the undersigned has reviewed page 53, second paragraph 4. Limited Production of O'Brien et al. (relied upon by the Examiner at page 5 of the outstanding Office Action), and columns 25 - 41 of O'Brien et al. (relied upon by the Examiner at page 8 of the outstanding Office Action) without finding any teaching of the above noted steps and functionality. Therefore, Applicants respectfully assert that each of claims 33 - 61 not only clearly distinguish the prior art. but also are clear and definite under 35 U.S.C. Section 112, Paragraph 2.

Further, claims 62 - 69 newly presented in this Amendment recite the communicating with the prospective purchasers to prompt them to store their purchased uncirculated collectibles in a protected environment, or to offer them for sale on the secondary market; the applicants respectfully assert that such recitations are not taught by any of Woolston, T. J.O'Brien et al., or any reference made of record by the Examiner or the applicant.

In view of the above discussion, Applicants respectfully assert that all of the objections and rejections have now been removed, and that this application is in condition for allowance, which action is respectfully requested. If the Examiner is unable to pass this application to allowance, he is requested to place a telephone call to the undersigned to suggest these changes that will readily bring this application to allowance.

Respectfully submitted,

By: _____


R. Lewis Gable, Reg. No. 22,479
Attorney for Applicant(s)
COWAN, LIEBOWITZ & LATMAN,
P.C.
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200